

AMENDED IN ASSEMBLY APRIL 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 346**

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**Introduced by Assembly Member Stone**

February 13, 2013

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An act to amend Section 1502 of, and to add Section 1502.35 to, the Health and Safety Code, relating to community care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 346, as amended, Stone. Emergency youth shelter facilities.

Existing law, the California Community Care Facilities Act, provides for the licensing and regulation of community care facilities, as defined, by the State Department of Social Services. A violation of the act is a misdemeanor.

This bill would include within the definition of a community care facility an emergency youth shelter facility, as defined. The bill would require the department to license emergency youth shelter facilities that have met specified requirements, including the requirement that facility staff shall offer short-term, 24-hour nonmedical care and supervision and personal services to up to 25 youths who voluntarily enter the facility. The bill would require the department to adopt regulations to implement these provisions *and provide that, until those regulations become effective, the department may implement these provisions by publishing information releases or similar instructions from the director.*

By expanding the definition of a community care facility, this bill would change the definition of an existing crime, thus creating a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1502 of the Health and Safety Code is  
2 amended to read:

3 1502. As used in this chapter:

4 (a) “Community care facility” means any facility, place, or  
5 building that is maintained and operated to provide nonmedical  
6 residential care, day treatment, adult day care, or foster family  
7 agency services for children, adults, or children and adults,  
8 including, but not limited to, the physically handicapped, mentally  
9 impaired, incompetent persons, and abused or neglected children,  
10 and includes the following:

11 (1) “Residential facility” means any family home, group care  
12 facility, or similar facility determined by the director, for 24-hour  
13 nonmedical care of persons in need of personal services,  
14 supervision, or assistance essential for sustaining the activities of  
15 daily living or for the protection of the individual.

16 (2) “Adult day program” means any community-based facility  
17 or program that provides care to persons 18 years of age or older  
18 in need of personal services, supervision, or assistance essential  
19 for sustaining the activities of daily living or for the protection of  
20 these individuals on less than a 24-hour basis.

21 (3) “Therapeutic day services facility” means any facility that  
22 provides nonmedical care, counseling, educational or vocational  
23 support, or social rehabilitation services on less than a 24-hour  
24 basis to persons under 18 years of age who would otherwise be  
25 placed in foster care or who are returning to families from foster  
26 care. Program standards for these facilities shall be developed by  
27 the department, pursuant to Section 1530, in consultation with  
28 therapeutic day services and foster care providers.

29 (4) “Foster family agency” means any organization engaged in  
30 the recruiting, certifying, and training of, and providing

1 professional support to, foster parents, or in finding homes or other  
2 places for placement of children for temporary or permanent care  
3 who require that level of care as an alternative to a group home.  
4 Private foster family agencies shall be organized and operated on  
5 a nonprofit basis.

6 (5) "Foster family home" means any residential facility  
7 providing 24-hour care for six or fewer foster children that is  
8 owned, leased, or rented and is the residence of the foster parent  
9 or parents, including their family, in whose care the foster children  
10 have been placed. The placement may be by a public or private  
11 child placement agency or by a court order, or by voluntary  
12 placement by a parent, parents, or guardian. It also means a foster  
13 family home described in Section 1505.2.

14 (6) "Small family home" means any residential facility, in the  
15 licensee's family residence, that provides 24-hour care for six or  
16 fewer foster children who have mental disorders or developmental  
17 or physical disabilities and who require special care and supervision  
18 as a result of their disabilities. A small family home may accept  
19 children with special health care needs, pursuant to subdivision  
20 (a) of Section 17710 of the Welfare and Institutions Code. In  
21 addition to placing children with special health care needs, the  
22 department may approve placement of children without special  
23 health care needs, up to the licensed capacity.

24 (7) "Social rehabilitation facility" means any residential facility  
25 that provides social rehabilitation services for no longer than 18  
26 months in a group setting to adults recovering from mental illness  
27 who temporarily need assistance, guidance, or counseling. Program  
28 components shall be subject to program standards pursuant to  
29 Article 1 (commencing with Section 5670) of Chapter 2.5 of Part  
30 2 of Division 5 of the Welfare and Institutions Code.

31 (8) "Community treatment facility" means any residential  
32 facility that provides mental health treatment services to children  
33 in a group setting and that has the capacity to provide secure  
34 containment. Program components shall be subject to program  
35 standards developed and enforced by the State Department of  
36 Health Care Services pursuant to Section 4094 of the Welfare and  
37 Institutions Code.

38 Nothing in this section shall be construed to prohibit or  
39 discourage placement of persons who have mental or physical  
40 disabilities into any category of community care facility that meets

1 the needs of the individual placed, if the placement is consistent  
2 with the licensing regulations of the department.

3 (9) “Full-service adoption agency” means any licensed entity  
4 engaged in the business of providing adoption services, that does  
5 all of the following:

6 (A) Assumes care, custody, and control of a child through  
7 relinquishment of the child to the agency or involuntary termination  
8 of parental rights to the child.

9 (B) Assesses the birth parents, prospective adoptive parents, or  
10 child.

11 (C) Places children for adoption.

12 (D) Supervises adoptive placements.

13 Private full-service adoption agencies shall be organized and  
14 operated on a nonprofit basis. As a condition of licensure to provide  
15 intercountry adoption services, a full-service adoption agency shall  
16 be accredited and in good standing according to Part 96 of Title  
17 22 of the Code of Federal Regulations, or supervised by an  
18 accredited primary provider, or acting as an exempted provider,  
19 in compliance with Subpart F (commencing with Section 96.29)  
20 of Part 96 of Title 22 of the Code of Federal Regulations.

21 (10) “Noncustodial adoption agency” means any licensed entity  
22 engaged in the business of providing adoption services, that does  
23 all of the following:

24 (A) Assesses the prospective adoptive parents.

25 (B) Cooperatively matches children freed for adoption, who are  
26 under the care, custody, and control of a licensed adoption agency,  
27 for adoption, with assessed and approved adoptive applicants.

28 (C) Cooperatively supervises adoptive placements with a  
29 full-service adoptive agency, but does not disrupt a placement or  
30 remove a child from a placement.

31 Private noncustodial adoption agencies shall be organized and  
32 operated on a nonprofit basis. As a condition of licensure to provide  
33 intercountry adoption services, a noncustodial adoption agency  
34 shall be accredited and in good standing according to Part 96 of  
35 Title 22 of the Code of Federal Regulations, or supervised by an  
36 accredited primary provider, or acting as an exempted provider,  
37 in compliance with Subpart F (commencing with Section 96.29)  
38 of Part 96 of Title 22 of the Code of Federal Regulations.

39 (11) “Transitional shelter care facility” means any group care  
40 facility that provides for 24-hour nonmedical care of persons in

1 need of personal services, supervision, or assistance essential for  
2 sustaining the activities of daily living or for the protection of the  
3 individual. Program components shall be subject to program  
4 standards developed by the State Department of Social Services  
5 pursuant to Section 1502.3.

6 (12) “Transitional housing placement provider” means an  
7 organization licensed by the department pursuant to Section  
8 1559.110 and Section 16522.1 of the Welfare and Institutions Code  
9 to provide transitional housing to foster children at least 16 years  
10 of age and not more than 18 years of age, and nonminor  
11 dependents, as defined in subdivision (v) of Section 11400 of the  
12 Welfare and Institutions Code, to promote their transition to  
13 adulthood. A transitional housing placement provider shall be  
14 privately operated and organized on a nonprofit basis.

15 (13) “Group home” means a residential facility that provides  
16 24-hour care and supervision to children and maintains a structured  
17 environment with services provided at least in part by staff  
18 employed by the licensee. The care and supervision provided by  
19 a group home shall be nonmedical, except as *otherwise* permitted  
20 by ~~Section 1507.25 and subdivision (b) of Section 17736 of the~~  
21 ~~Welfare and Institutions Code.~~ *law.*

22 (14) “Emergency youth shelter facility” means a group home  
23 licensed by the department pursuant to Section 1502.35 to provide  
24 voluntary, short-term, emergency shelter and personal services to  
25 youth who are homeless or at risk of homelessness, as provided  
26 in paragraph (2) of subdivision (a) of Section 1502.35.

27 (b) “Department” or “state department” means the State  
28 Department of Social Services.

29 (c) “Director” means the Director of Social Services.

30 SEC. 2. Section 1502.35 is added to the Health and Safety  
31 Code, to read:

32 1502.35. (a) The department shall license emergency youth  
33 shelter facilities as group homes pursuant to this ~~section~~ *chapter*.  
34 Emergency youth shelter facilities shall meet all of the following  
35 requirements:

36 (1) The facility shall offer short-term, 24-hour, nonmedical care  
37 and supervision and personal services to youth who voluntarily  
38 enter the facility. As used in this paragraph, “short-term” means  
39 no more than 21 consecutive days from the date of admission.

1 (2) The facility shall serve only youth who are both of the  
2 following:

3 (A) Homeless or at risk of becoming homeless. As used in this  
4 paragraph, youth who are “homeless or at risk of becoming  
5 homeless” include youth who meet the definitions of “homeless  
6 children and youths” and “unaccompanied youth” contained in  
7 Section 725 of the McKinney-Vento Homeless Assistance Act (42  
8 U.S.C. Sec. 11434a(2) and (6)).

9 (B) Twelve to 17 years of age, inclusive, including youth who  
10 have emancipated pursuant to Chapter 3 (commencing with Section  
11 7110) of Part 6 of Division 11 of the Family Code, or 18 years of  
12 age if the youth is completing high school or its equivalent.

13 (3) The facility shall have a maximum capacity of 25 youths.

14 ~~(4) Facility staff shall, prior to admission into the facility,~~  
15 ~~determine if a youth poses a threat to himself or herself or others~~  
16 ~~in the facility. A youth may not be admitted into the facility if it~~  
17 ~~is determined that the youth poses such a threat.~~

18 ~~(5) Facility staff shall assess youth served within 72 hours of~~  
19 ~~admission to the facility.~~

20 ~~(6) Facility staff shall assist youth served in obtaining emergency~~  
21 ~~health-related services.~~

22 ~~(7)~~

23 (4) The facility shall have a ratio of one staff person to every  
24 eight youths. For purposes of this paragraph, a volunteer ~~shall~~ *may*  
25 be counted in the staff-to-youth ratio if the volunteer has satisfied  
26 the same training requirements as a paid facility staff member *and*  
27 *other requirements set forth in regulations*, and a paid facility staff  
28 member is present during the time the volunteer is on duty.

29 ~~(8)~~

30 (5) Bunk beds may be permitted in the facility, but shall not  
31 consist of more than two tiers.

32 ~~(9)~~

33 (6) The facility shall be owned and operated on a nonprofit basis  
34 by a private nonprofit corporation, a nonprofit organization, or a  
35 public agency.

36 *(b) Facility staff shall, prior to admission into the facility,*  
37 *determine if a youth poses a threat to himself or herself or others*  
38 *in the facility. A youth may not be admitted into the facility if it is*  
39 *determined that the youth poses such a threat.*

1 (c) Facility staff shall assess youth served within 72 hours of  
2 admission to the facility.

3 (d) Facility staff shall assist youth served in obtaining  
4 emergency health-related services.

5 ~~(b) An emergency youth shelter facility shall not be a placement~~  
6 ~~option pursuant to Sections 319, 631.2, 450, and 727 of the Welfare~~  
7 ~~and Institutions Code.~~

8 ~~(e) An emergency youth shelter facility shall not be eligible for~~  
9 ~~a rate pursuant to Section 11462 of the Welfare and Institutions~~  
10 ~~Code.~~

11 ~~(d)~~  
12 (e) Prior to employment or interaction with youth at an  
13 emergency youth shelter facility, all ~~staff and volunteers~~ persons  
14 specified in subdivision (b) of Section 1522 shall ~~undergo complete~~  
15 a criminal ~~background check~~ record review pursuant to Section  
16 1522 and ~~have their names checked on the~~ a Child Abuse Central  
17 Index check pursuant to Section 1522.1.

18 ~~(e)~~  
19 (f) An emergency youth shelter facility shall collect and maintain  
20 all of the following information in a monthly report, in a format  
21 specified by the department, and make the report available to the  
22 department upon request:

- 23 (1) Total number of youth served per month.  
24 (2) Name of each youth served.  
25 (3) Age of each youth served.  
26 (4) Length of stay of each youth served.  
27 (5) Number of times a youth accesses shelter and services at  
28 the facility.

29 ~~(f)~~  
30 (g) Notwithstanding Section 1522.43, the department shall not  
31 require an emergency youth shelter facility to maintain a needs  
32 and services plan, as defined in Section 84001 of Title 22 of the  
33 California Code of Regulations, for a youth served. Nothing in  
34 this subdivision precludes the department from requiring an  
35 emergency youth shelter facility to maintain an assessment, as  
36 defined by the department, for youths served.

37 ~~(g)~~  
38 (h) The department may license a facility pursuant to this section  
39 if the facility is operating in two physical locations on or before  
40 January 1, 2013, with only one physical location providing

1 overnight residential care, and the facility meets the requirements  
2 of this section. If a facility described in this subdivision is licensed  
3 pursuant to this section, the department shall permit the facility to  
4 retain its two physical locations and issue a license for each  
5 physical location.

6 *(i) An emergency youth shelter facility shall not be a placement*  
7 *option pursuant to Sections 319, 361.2, 450, and 727 of the Welfare*  
8 *and Institutions Code.*

9 *(j) An emergency youth shelter facility shall not be eligible for*  
10 *a rate pursuant to Section 11462 of the Welfare and Institutions*  
11 *Code.*

12 ~~(h)~~

13 *(k) On or before December 1, 2014, the department shall adopt*  
14 *regulations to implement this section, in consultation with*  
15 *interested parties, including representatives of provider*  
16 *organizations that serve homeless or runaway youth. The*  
17 *regulations developed pursuant to this subdivision shall be*  
18 *contained in the regulations for group homes found in Chapter 5*  
19 *(commencing with Section 84000) of Division 6 of Title 22 of the*  
20 *California Code of Regulations.*

21 *(l) Notwithstanding the Administrative Procedure Act (Chapter*  
22 *3.5 (commencing with Section 11340) of Part 1 of Division 3 of*  
23 *Title 2 of the Government Code), the department may implement*  
24 *the applicable provisions of this section by publishing information*  
25 *releases or similar instructions from the director until the*  
26 *regulations adopted by the department pursuant to subdivision (k)*  
27 *become effective.*

28 SEC. 3. No reimbursement is required by this act pursuant to  
29 Section 6 of Article XIII B of the California Constitution because  
30 the only costs that may be incurred by a local agency or school  
31 district will be incurred because this act creates a new crime or  
32 infraction, eliminates a crime or infraction, or changes the penalty  
33 for a crime or infraction, within the meaning of Section 17556 of  
34 the Government Code, or changes the definition of a crime within  
35 the meaning of Section 6 of Article XIII B of the California  
36 Constitution.